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ABSTRACT

The Office of Civil Rights (OCR) enforces the laws that prevent discrimination on the basis of race, national origin, sex, disability, and age in America's schools, colleges, and universities. To gauge how the department is fulfilling that mission, a description of the OCR's policy-guidance efforts, complaint investigations, and enforcement activities from October 1, 1992, through September 30, 1993, is provided here. The report focuses on: OCR policy guidance on age and race discrimination; the impact of complaint investigations on elementary, secondary, and postsecondary students' lives; race-targeted scholarships; the effect of compliance reviews; complaint resolution; complaint workload; disability complaints; and other complaint activities, such as magnet-schools assistance programs, vocational education, administrative litigation, higher education desegregation, technical assistance, and new publications. Some of the future goals of the OCR are likewise detailed, including OCR priorities, civil rights cases and policy, and management reform. Four appendices list statutory responsibilities and federal relationships, issues on staffing and budgeting, publications of the OCR, and addresses and telephone numbers of regional OCR offices. (RJM)

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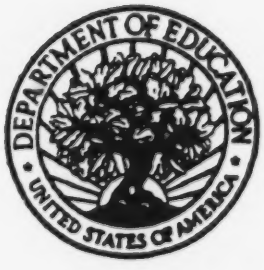
ED 422 667

Annual Report to Congress

Fiscal Year 1993



U.S. Department of Education
Office for Civil Rights

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FY 1993 ANNUAL REPORT TO CONGRESS
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FOREWORD

1993 ANNUAL REPORT TO CONGRESS

This is an exciting time for all of us engaged in the education of America's children. The 103rd Congress, with strong bipartisan support, enacted the President's comprehensive education agenda. The bills it passed promote higher academic standards, safer schools, more family involvement, better teacher training and community-based school improvement efforts. It has been nearly three decades since the nation has seen this push for education reform.

In enacting the legislative initiatives, the Congress acceded to the public's concern that America's children be ready for the 21st century and the global economic era that is already upon us. This would mean that all children are prepared for the new, emerging high-tech, high-knowledge economy. The enactment of the legislation deals a last blow at the low expectations and watered down curricula that too often, in the past, were held out for a minority student, or a female student, or a student with a disability, or a language minority student or a student from an economically disadvantaged background. We now will rightfully insist on high expectations, high standards and a high quality curriculum for <u>all</u> students as they prepare to enter higher education or take their place in the work force.

Like the education reform legislation, the federal civil rights laws were intended to eliminate barriers to educational opportunities -- and to replace barriers with rights of access. The challenge now is to join education reform efforts with the reinstitution of an effective civil rights program so they are working hand-in-hand with the mission of this Department -- equal access to educational excellence.

Respectfully submitted,

Norma V. Cantú

CHAPTER I COMPLAINT AND ENFORCEMENT ACTIVITIES

This report describes OCR's policy guidance efforts, complaint investigations and enforcement activities conducted during Fiscal Year 1993, from October 1, 1992 through September 30, 1993.

OCR Policy Guidance on Age and Race Discrimination

Age Discrimination

OCR is responsible for enforcement as it relates to discrimination on the basis of age in Federally funded education programs or activities. OCR issued regulations for the Age Discrimination Act of 1975 on July 27, 1993. This was the first regulation published by OCR since 1980. In FY 1993, OCR received 245 complaints that alleged discrimination on the basis of age. Of these, 159 were resolved in OCR while 48 were referred to the Federal Mediation and Conciliation Service for resolution through mediation. Additional complaints were referred to the appropriate Federal agency. The Office also sponsored outreach activities and conducted compliance reviews on age discrimination issues.

Race-Targeted Scholarships

Secretary of Education Richard W. Riley issued a statement to college and university presidents on March 4, 1993, stating that race-targeted scholarships "can be a valuable tool for providing equal educational opportunity and for enhancing a diverse educational environment for the benefit of all students." The statement emphasized both the legality of most of these scholarships and restored the relationship between OCR and higher education institutions.

Acting for the Department of Education, the U.S. Department of Justice filed an amicus curiae brief on July 27, 1993, in the U.S. District Court of Maryland. The brief urged the court to declare the Benjamin Banneker Scholarship program, a merit-based scholarship exclusively for black students at the University of Maryland's College Park campus, a legal desegregation measure.

Complaint Investigations

Complaint Receipts

In FY 1993, OCR devoted a significant portion of resources to investigating complaints. OCR received 5,090 complaints alleging discrimination on the basis of race, national origin, sex, disability or age by a recipient of Federal financial assistance. OCR's primary goal was to resolve those complaints in a timely manner, while ensuring thorough investigations. This has become more difficult over the last five years because complaints have risen by 89 percent while staff resources have not.

Part of the reason for this dramatic increase is the March 1988 passage of the Civil Rights Restoration Act (CRRA). The CRRA restored OCR's institution-wide jurisdiction rather than limiting jurisdiction to few programs that directly receive Federal aid. The impact of CRRA means far fewer complaints are closed due to lack of jurisdiction. Thus, OCR received both a greater number of complaints in FY 1993 and had jurisdiction over a greater proportion of them than prior to the passage of CRRA.

Approximately 56 percent of all complaints filed with OCR alleged discrimination based on disability. Race and national origin complaints accounted for 18 percent of complaints. Nine percent of complaints alleged sex discrimination. The remaining 17 percent of the complaints were filed on multiple discrimination bases, on age discrimination or on other discrimination bases.

Complaint Resolution

OCR resolved 4,480 complaints in FY 1993. Seventeen percent were closed because there was no jurisdiction for OCR to investigate the complaint. About one-quarter of the complaints, 1,149, or 26 percent, were resolved with corrective action where the recipient changed its policies or practices, or changed the situation that was the basis of a complaint. About 948 complaints, or 21 percent, were found to have no substantive basis and did not require corrective action. 1,613 complaints, or 36 percent, were determined to be inappropriate for OCR intervention, either because the complaint was more appropriately resolved in another forum (where there was pending Federal court litigation, for example), or because OCR could not otherwise proceed with the case (because the complaint was untimely, for example).

Complaint Workload

As with closures, pending complaints affect OCR's workload. Many more complaint receipts were pending at the end of FY 1993 than in FY 1992. There were 2,429 complaints pending at the end of FY 1993, which represented an increase of 33 percent from the 1,624 complaints pending at the end of FY 1992.

OCR resolved a significant number of complaints through Early Complaint Resolution (ECR). ECR is a voluntary process in which OCR brings the parties together to try to help settle differences between the complainant and the recipient. Over the past five years, OCR resolved about 10 percent of its closures using ECR.

FY 1993 saw the continued growth of complaints received by OCR. Even with this increase, OCR staff resolved these complaints well within established time frames. However, the complaint statistics do not tell the complete story. Many of the cases OCR resolved made an impact on individuals' lives.

Impact of Complaint Investigations on Elementary and Secondary Students' Lives

Many of the issues raised in complaints filed against some of the Nation's 16,000 school districts that receive Federal funds concerned the basic right of access to equal education by individuals as well as groups. The real-life stories told below are drawn from complaints in which OCR secured voluntary corrective action from school districts to resolve civil rights violations.

Disability Complaints

Complaints alleging discrimination on the basis of disability can be filed under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. They accounted for more complaints filed than on any other basis. In FY 1993, 65 percent of elementary and secondary level complaints alleged discrimination due to a student's disabling condition.

OCR resolved a number of complaints in FY 1993 involving some of the most fundamental rights of children with disabilities to equal educational opportunity. In one case, the district assigned all students classified as educable mentally retarded, trainable mentally retarded, and learning disabled to one classroom in the basement of one school building. There was no distinction made regarding the age or the individual educational needs of these students. Parents also were asked to purchase supplies and materials made available to students without disabilities at no cost. Following OCR's investigation, the district will educate students with disabilities with other students to the maximum extent possible. Where students with disabilities cannot be educated in the regular educational environment with the use of supplementary aids and services, the district will place them in a comparable educational setting and furnish appropriate educational supplies and materials.

In another school district, there were no physically accessible elementary or middle school buildings. Prior to a complaint filed with OCR, the district was told by a consulting architect that it would cost $765,000 to make its educational program accessible to persons with disabilities. While conducting a complaint investigation, OCR explained alternatives for making the district's educational program accessible. The district incorporated this information in undertaking changes, leading to compliance with the law at a cost of only $40,000.

Disability Complaints Filed by a Single Complainant

In FY 1993, a single complainant filed hundreds of complaints alleging that students with disabilities lack access to education programs in public and parochial schools. Most of these complaints were filed against schools in the northeast United States, in OCR's Regions I and III. These complaints added significantly to both the Nation's total complaint receipts and to the receipts of the two regions that were affected. Region III's complaints, for example, increased by 83 percent in FY 1993 due to this single complainant.

To investigate effectively these complaints with no significant extra resources, the two regions took into account the systemic problem that underlay the complaints. In Region III, for example, complaints against many Philadelphia parochial schools were merged so the Region could work with Philadelphia's single parochial school district. This action eliminated the need to work with administrators of each parochial school. In Region I, OCR officials met with the Chief State School Officers of the area to address the numerous program accessibility problems. In Vermont, for example, OCR explored the approaches and available options to achieve program access with the Commissioner of Education.

Limited English Proficient Students

Discrimination based on English language proficiency violates Title VI of the Civil Rights Act of 1964, but lack of language assistance programs and access to educational opportunities continue to be persistent barriers to students with limited English proficiency. About 16 percent of all FY 1993 elementary and secondary level complaints were filed on the basis of race or national origin. A typical complaint filed on national origin grounds was against Washington's Pasco School District. The complaint alleged there were 2,600 students of limited English language proficiency (LEP) who were not given the educational services they needed to participate effectively in school. OCR found that the district had not adequately identified all of its LEP students, that it did not have enough qualified staff for its LEP programs, that the LEP students who had left the programs were not properly monitored and that the evaluation of its program was insufficient.

As a result of OCR's investigation, the Pasco district agreed to correct the violations. In the settlement OCR negotiated with the district, OCR will monitor the alternative language services provided to individual LEP students for the next three years. Not only are the district's current 2,600 LEP students helped by this agreement but future LEP students also will gain. In fact, advocacy organizations are using OCR's actions as a model for other school districts that wish to address possible deficiencies in their own programs.

Racial Harassment

Other Title VI complaints were filed solely on race discrimination. In the predominantly white suburban School District #113, in Highland Park, Illinois, harassment against black students was severe and pervasive, creating a hostile environment. The seven black high school students were subjected to racial stereotypes, slurs and racial conflict--despite the district's written policy covering discrimination issues, including racial and ethnic harassment. OCR negotiated a settlement agreement that implemented the district's non-discrimination policy. The district agreed to give in-service training for all staff on their responsibility to enforce non-discrimination policies. Staff also received guidance on how to report racial incidents among students. Students received orientation on interracial understanding and cultural diversity, and were educated about the district's non-discrimination policy. They were also given information on filing racial harassment grievances and were informed that racial harassment and discrimination would not be tolerated by school staff or the administration.

Sexual Harassment

Discrimination based on sex violates Title IX of the Education Amendments of 1972. In FY 1993, about seven percent of all complaints alleged sex discrimination in elementary and secondary schools, and OCR received its first complaints of sexual harassment of girls in elementary school. The first complaint investigated by OCR about sexual harassment of young girls was filed against Eden Prairie Independent School District #242, Minnesota. Some of the students sexually harassed were as young as six years old and were in first grade. OCR found sexual harassment against these girls and others to be severe and pervasive, including sexual slurs and actual or threatened physical contact.

As a result of OCR's investigation, the district agreed to several remedies, beginning with guidelines for implementing its policy on sexual harassment and procedures for reporting, documenting and investigating these complaints. Staff received training in sexual harassment issues and procedures for recognizing and evaluating incidents of sexual harassment. The district also applied the investigative and reporting measures to all reports of student-to-student sexual harassment as clarified in its policy. The district's curriculum for students now addresses the issue of sexual harassment.

In addition to investigating complaints of sexual harassment, OCR provides technical assistance. OCR's regional office in California assisted three school districts--Modesto City Schools, Santa Paula Unified School District and Santa Rosa Elementary School District--in recognizing that a district must recognize and take steps to remedy the hostile environment that is created by sexual harassment.

Impact of Complaint Investigations on Postsecondary Students' Lives

About 27 percent of all OCR complaints were filed against the Nation's colleges and universities in FY 1993. This proportion of postsecondary school complaints has not changed over the past five years.

Disability Complaints

As with elementary and secondary school complaints, the greatest number of complaints against colleges and universities, 38 percent, were filed on the basis of disability status.

One complaint alleged discrimination against students with disabilities at City College of San Francisco, citing lack of physical accessibility as the issue. When OCR investigated, it found the entire campus inaccessible to people with disabilities. For example, students with impaired mobility were assigned to classrooms that presented physical barriers to them.

As a result of OCR's investigation, City College of San Francisco agreed to complete extensive structural modifications throughout the campus and to adopt notices, policies and procedures to ensure that all programs and activities are readily accessible. Because of OCR's efforts, this College will become one that attracts students with disabilities rather than being viewed as inhospitable due to substantial physical barriers.

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Minority Participation in Programs

The second highest number of complaints filed against colleges and universities, or 22 percent, was on the basis of race and national origin discrimination.

One complaint in Connecticut was filed against the State Board of Governors for Higher Education. The Board is responsible for governing Connecticut's public education system. Asian-Americans and Native American Indians were being excluded from the state's Minority Advance Program, which had been founded to increase minority representation for students, faculty and staff in higher education within the state. The state had included only blacks in the program. OCR found the exclusion of Asian-American and Native American students to be improper and helped the Board develop a voluntary compliance plan that will allow all racial minorities to benefit from the program.

Sexual Harassment

Fourteen percent of complaints against colleges and universities alleged sex discrimination. One complaint resolved in FY 1993 involved a professor at the State University of New York (SUNY) at Buffalo. This male professor sexually harassed female students. After OCR's intervention, SUNY disciplined the professor and expanded its student survey to include responses on possible sexual harassment.

Compliance Reviews

Compliance Reviews Initiated

Compliance reviews are an important part of OCR's overall civil rights enforcement responsibilities. Compliance reviews permit OCR to target resources on compliance problems that appear to be serious or national in scope. In addition, OCR can use knowledge of which issues are priorities to focus limited discretionary resources and to bring a balance between complaint and compliance review issues.

Selection of review sites is based on various sources of information, which include survey data and information provided by complainants, interest groups, media and the public.

During FY 1993, 101 compliance reviews were begun. This number represents a 31 percent increase in reviews over the prior year. In FY 1993, OCR closed 82 compliance reviews, the second highest number of reviews resolved in the past five years.

Compliance Review Resolutions

OCR issues Letters of Findings (LOF) to recipients notifying them of determinations on issues OCR investigates in the course of compliance reviews. When violations are found, OCR tries to negotiate corrective action before issuing an LOF. If the negotiations are successful, a violation-corrected LOF is issued. If the negotiations are unsuccessful, a violation LOF is issued. If no violation is found, a no-violation LOF may be issued.

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In OCR's compliance reviews resolved in FY 1993, civil rights violations requiring corrective action were found in 66 percent of cases. OCR was able to negotiate corrective action in most of the instances and, as a result, very few cases proceeded towards enforcement action.

Other Compliance Activities

In addition to complaint investigations and compliance reviews, other compliance activities are conducted by OCR.

Magnet Schools Assistance Program

OCR works with the Office of Elementary and Secondary Education to certify that applicants of the Magnet Schools Assistance Program (MSAP) will meet nondiscrimination assurances. MSAP funding is intended to reduce, eliminate and prevent minority isolation in elementary and secondary magnet schools. In FY 1993, OCR reviewed the nondiscrimination assurances from 151 school districts that applied for MSAP grants or continuation grants.

Vocational Education

All states develop Methods of Administration (MOA) plans that describe how they will monitor their own programs and those of their subrecipients to ensure compliance with Federal civil rights laws, including those enforced by OCR. OCR is responsible for certifying that each state has met its MOA commitments.

For 13 years, annual reports were submitted to OCR by each of the states and other entities. We found this process inefficient and ineffective. In the spirit of the Reinventing Government initiative, we examined the purpose and intent of the MOA process. The aim was to strengthen the civil rights roots of MOAs through providing greater flexibility to states, through making efficient use of Federal resources, cutting burdensome reporting requirements and holding states accountable for the achievement of substantive civil rights goals.

As part of the redesign process, OCR gave two-thirds of the states an option of not submitting an MOA report in 1993. We also surveyed the states and civil rights and vocational education organizations for suggestions on how OCR can support the states' activities. The result will be both a streamlined MOA process and a new partnership with states to achieve nondiscrimination in vocational education.

Administrative Litigation

Southwestern Virginia Training Center

A complaint was filed by a residential aide at the Southwestern Virginia Training Center, a state operated training facility for developmentally disabled individuals. The aide was fired due to a work-related disability after the Center adopted a non-accommodation policy. After extensive efforts at voluntary compliance, the Center was given a Notice of Opportunity for Hearing. Due to the egregious nature of the violation, OCR has deferred final approval of the Center's applications for new financial assistance or increases in financial assistance. The hearing is scheduled to be held in 1994.

California Department of Corrections

OCR received a complaint from a vocational education instructor at the state's Soledad Training Center who was fired after the Center learned that he had dyslexia. This action violated Section 504. However, the Center would not voluntarily comply with Federal non-discriminatory requirements. A Notice of Opportunity for Hearing was issued in January 1993, but shortly after, the state entered a comprehensive settlement agreement. The administrative proceeding was stayed pending full implementation of the settlement agreement.

Higher Education Desegregation

OCR monitors higher education desegregation plans in those states that previously operated dual systems of higher education. There are six states that OCR has not made a final determination as to whether they have corrected Title VI violations. These states are Florida, Kentucky, Maryland, Pennsylvania, Texas, and Virginia.

The U.S. Supreme Court issued its decision in Ayers v. Fordice on June 26, 1992. The decision enunciated standards for determining whether former racially segregated public higher education systems have eliminated vestiges of racial discrimination. It held that race neutral policies alone are not sufficient to demonstrate a state has effectively discharged its affirmative obligation to dismantle a *de jure* system of higher education.

This decision is directly relevant to the Department's higher education activities. The Fordice decision held that before a State has discharged its affirmative duty to eliminate the vestiges of its *de jure* system, it must examine a "wide range of factors to determine whether [a] State has perpetuated its formerly *de jure* segregation in any facet of its institutional system."

Technical Assistance

The aim of OCR's technical assistance (TA) efforts is to prevent violations of the civil rights laws. Technical assistance is provided through such activities as on-site consultations, conference participation, training classes, workshops and meetings, as well as through

written information and telephone consultations. Although TA is often provided during a complaint investigation or a compliance review, OCR also conducts a broad program of proactive TA outreach.

In FY 1993, in addition to tens of thousands of informal requests for information, OCR responded to 2,498 requests for TA. This total represents a 23 percent increase in TA deliveries over FY 1992.

Most requests for TA (54 percent) came from such individual beneficiaries as students or parents. Recipient institutions made about one-third of these requests, with colleges and universities accounting for 16 percent of the total. There were 28 percent more requests in FY 1993 than in the previous year. As in the past, most of these requests (71 percent) were about disability discrimination issues.

Technical assistance is delivered to a variety of organizations and their people. For example, one region initiated a major outreach to the Illinois State Board of Education on Title II of the ADA. Another region conducted workshops on racial harassment with Eastern Michigan University and Western Michigan University. In a western region, a school district's bilingual staff was provided with TA on their obligations toward national origin minority students with limited English proficiency. In a different region, parents received written information and telephone responses to their questions on their children and Section 504 and Title II of the ADA.

New Publications

"The Provision of An Equal Education Opportunity to Limited English Proficient Students" was sent with a cover letter signed by the Secretary to 380 state and local officials and organizations having an interest in LEP issues.

In addition, a poster titled, "Campus Diversity--See People in the Right Light," was distributed to the leaders of all postsecondary schools in the country. Regional offices are also providing the posters to interested recipients.

CHAPTER II LOOKING FORWARD

OCR has begun to set its course for 1994 and beyond. In 1993, the new Assistant Secretary held an unprecedented number of town meetings, focus groups and other forums to bring to light the concerns, hopes and ideas of OCR staff and of the education community. In each region, OCR staff are listening to their local communities. This outreach will provide the foundation for the clear articulation of OCR's agenda, the direction for OCR's enforcement activities and staff resources.

Setting Priorities

In a world of competing demands and limited resources, only a focused effort will allow OCR to continue effective resolution of civil rights problems. OCR intends to develop a more strategic approach to civil rights enforcement. Growing out of its outreach efforts, a number of themes are already clear.

OCR must direct itself towards impact on students' lives. OCR will maximize the impact of available resources on civil rights in education. OCR will consider as broad a range of input as practicable in the setting of its priorities to ensure that OCR addresses the most acute problems of discrimination. OCR will provide tangible assistance to the greatest number of students possible.

OCR must work in partnership with students and parents. OCR will help others to learn to solve their problems of securing equal access to quality education. OCR will focus on systemic education reform that enables communities throughout the nation to understand, commit to and implement strategies that provide opportunities for all to learn.

Finally, OCR must invest in people. OCR will recruit and retain the highest calibre staff, and will develop the training and tools they need to become most effective. OCR will need to provide an environment that values participation, innovation and change. OCR will need to model diversity, fairness and concern for employee well-being.

Civil Rights Cases and Policy

In 1993, nearly 90 percent of OCR resources were spent in a complaint mode. This approach did not adequately address the variety of civil rights problems faced by vulnerable groups in the U.S. unable or afraid to complain. For example, LEP students were largely unserved by the OCR complaint process.

In 1994, OCR will revisit fundamentally its approach to complaint processing. Our goal is to provide more timely and more effective intervention at the beginning of the complaint process. OCR anticipates that students, parents and educators will become more central to the resolution of their own complaints.

OCR will also renew its compliance review program. Working wherever possible in partnership with state and local educational institutions, OCR will seek to address civil rights

problems early and proactively. This will require OCR's dedication to collaboration within the Department of Education and throughout the education community. To ensure that Federal funds do not support discrimination, however, OCR is prepared to take enforcement action when voluntary compliance cannot be obtained.

OCR must also facilitate discussion on a wide range of policy problems that have been largely ignored over the past decade. Desegregation, race targeted scholarships, racial and sexual harassment, treatment of disabled students and other issues require the collective attention of policy makers inside and outside of the Department.

Management Reform

Hardly a year has gone by without a public report critical of OCR's operations. Carrying out its civil rights responsibilities will require OCR to address fundamentally its methods of doing business.

The National Performance Review (NPR) provides the blueprint for a government that works better and costs less. OCR intends to apply the NPR's principles of staff empowerment, delayering and customer orientation to its management initiatives. These activities will necessitate a greater degree of labor/management partnership than ever before.

APPENDIX A

Statutory Responsibilities and Federal Relationships

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is a law enforcement agency. Its primary responsibility is to ensure that recipients of Federal financial assistance do not discriminate against students, faculty, or other individuals on the basis of race, color, national origin, sex, disability, or age.

OCR is responsible for enforcing the following Federal civil rights laws:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin, 42 U.S.C. 2000d et seq. (implementing regulation at 34 C.F.R. Parts 100 and 101);

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs, 20 U.S.C. 1681 et seq. (implementing regulation at 34 C.F.R. Part 106);

- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of physical and mental disability, 29 U.S.C. 794 (implementing regulation at 34 C.F.R. Part 104);

- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age, 42 U.S.C. 6101 et seq. (implementing regulation at 34 C.F.R. Part 110); and

- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

Under the first four statutes, OCR has jurisdiction over programs and activities that receive Federal financial assistance. For educational institutions, the Civil Rights Restoration Act of 1987 defines jurisdiction over programs and activities as authority over all the operations of a recipient. Under the Americans with Disabilities Act (ADA), OCR has jurisdiction over public elementary and secondary education systems, public institutions of higher education, vocational education programs and public libraries.

OCR also has been delegated civil rights enforcement authority by eleven other Executive Branch departments and agencies, including a delegation agreement that OCR entered with the Department of Interior in FY 1992.

The civil rights laws enforced by OCR extend to a wide range of recipients of Federal funds. Recipients covered by these laws include all state education and rehabilitation agencies and their subrecipients, as well as the education and rehabilitation agencies of the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa,

Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States. These recipients also include nearly every school district and postsecondary institution; thousands of proprietary schools, libraries, museums, and correctional facilities; and other institutions that receive Federal financial assistance from ED.

In carrying out its civil rights enforcement responsibilities, OCR works with other Federal agencies, including the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), and the Federal Mediation and Conciliation Service (FMCS).

Under Executive Order 12250, DOJ is responsible for coordinating Federal Government agencies' enforcement of Title VI, Title IX, Section 504, and other Federal laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, or religion in programs and activities receiving Federal financial assistance. Primary enforcement responsibility remains with the individual agencies, while leadership and coordination responsibility, in areas other than employment, is vested in DOJ. Pursuant to Executive Order 12250, other Federal agencies have delegated authority to OCR to conduct civil rights compliance activities in educational institutions on their behalf.

EEOC has primary coordinating authority under Executive Order 12067 for complaints of employment discrimination. OCR generally refers to EEOC those Title VI and Title IX complaints that allege discrimination solely in employment and that are not systemic or class-based in nature. Section 504 employment complaints, as well as systemic and class-based employment complaints, under Title VI and Title IX, are generally retained for processing by OCR.

EEOC also has jurisdiction in employment cases alleging age discrimination. When complaints of discrimination in employment on the basis of age are filed with OCR, they are transferred to EEOC for investigation and resolution because OCR has no jurisdiction over these cases under the Age Discrimination Act.

OCR shares responsibility with FMCS for processing age discrimination complaints that do not involve employment. OCR screens complaints alleging age discrimination to determine whether it has jurisdiction. If jurisdiction is established, the complaint is forwarded to FMCS for voluntary resolution. If FMCS is unsuccessful, or either party does not agree to mediation by FMCS, OCR investigates the complaint in the same manner as complaints alleging other types of discrimination.

DOJ has primary authority for complaints under the ADA. Under Title II of the Americans with Disabilities Act, DOJ has delegated jurisdiction to ED/OCR for investigating complaints alleging discrimination on the basis of disability that are filed against public elementary, secondary, and postsecondary institutions as well as public libraries.

OCR works with ED's Office of Special Education and Rehabilitative Services to coordinate the enforcement of certain provisions of the Individuals with Disabilities Education Act with Section 504. OCR also works with ED's Office of Elementary and Secondary Education to implement the civil rights provisions of Title III of the Elementary and Secondary Education Act of 1965, as amended, i.e., the Magnet Schools Assistance Program.

APPENDIX B

STAFFING & BUDGET

OCR's authorized staff ceiling for FY 1993 was 867 full-time equivalent (FTE) positions (made up of full-time permanent and other-than-full-time permanent staff). However, in accordance with Executive Order 12839, which mandated reductions in the Federal civilian work force, OCR's ceiling was reduced to 858 FTE. Twenty-two percent of the staff were located in headquarters and 78 percent were in the ten regional offices.

OCR had a total funding level of $56,402,000 for FY 1993. The following table provides budget and staffing information on OCR for the past five fiscal years.

BUDGET AND STAFFING INFORMATION

FY	Budget Estimate to Congress	Appropriation	Appropriation After Sequester Supplemental	Congressional Budget FTE Level
1989	41,341,000	40,845,000	41,635,000	820
1990	45,178,000	45,178,000	44,572,000	820
1991	49,900,000	48,404,371	48,405,000	820
1992	56,000,000	55,000,000	53,625,000	855
1993	61,400,000	56,857,000	56,402,000	858

APPENDIX C

PUBLICATIONS

Contact your regional civil rights office (see Appendix D for listing) to obtain any of the publications listed below.

General

OCR's 1992 Annual Report to Congress
OCR's 1991 Annual Report to Congress
OCR's 1990 Annual Report to Congress
ED Facts: Information about the OCR
Notice of Nondiscrimination
How to File A Discrimination Complaint
Federal Regulations, Vocational Education Program Guidelines (March 21, 1979)
Vocational Education and Civil Rights
The Guidance Counselor's Role in Ensuring Equal Educational Opportunity
Nondiscrimination in Employment Practices in Education
What Schools Can Do to Improve Math and Science Achievement by Minority and Female Students

Title VI of the Civil Rights Act of 1964 (Title VI)

Title VI Regulations, **Federal Register**, May 9, 1980
Education and Title VI (Available in English and Spanish)
Student Assignment in Elementary and Secondary Schools and Title VI
Magnet Schools: Promoting Equal Opportunity and Quality Education
Historically Black Colleges and Universities and Higher Education Desegregation
The Provision of an Equal Education Opportunity to Limited English Proficient Students

Title IX of the Education Amendments of 1972 (Title IX)

Title IX Regulations, **Federal Register**, May 9, 1980
Federal Regulations, Policy Interpretation on Title IX Intercollegiate Athletics, December 1979
Title IX Grievance Procedures: An Introductory Manual
Title IX and Sex Discrimination (Available in English and Spanish)
Title IX Athletics Manual (Includes Regulations, Policy Interpretations, & OCR Fact Sheet)
Equal Opportunity in Intercollegiate Athletics: Requirements Under Title IX of the Education Amendments of 1972

Student Assignment in Elementary & Secondary Schools and Title IX
Sexual Harassment: It's Not Academic
Teenage Pregnancy and Parenthood Issues Under Title IX

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 Regulations, **Federal Register**, May 9, 1980 (Includes December 1990 Amendment)
Auxiliary Aids and Services for Postsecondary Students with Handicaps
Discipline of Students With Handicaps in Elementary and Secondary Schools
Free Appropriate Public Education for Students with Handicaps
Placement of School Children with AIDS
Student Placement in Elementary and Secondary Schools and Section 504
Civil Rights of Students with Hidden Disabilities Under Section 504
Rights of Individuals with Handicaps Under Federal Law (Available in English and Spanish)

Age Discrimination Act of 1975

Federal Regulations, Age Discrimination Act of 1975
Federal Regulations, Department of Education, Age Discrimination Act, **Federal Register**, July 27, 1993

Americans with Disabilities Act

Department of Justice pamphlet on Americans with Disabilities Act

APPENDIX D
OCR REGIONAL OFFICES

Region I
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Office for Civil Rights, Region I
U.S. Department of Education
J.W. McCormack Post Office and Courthouse
Room 222, 01-0061
Boston, MA 02109-4557
(617) 223-9662; TDD (617) 223-9695

Region II
New Jersey, New York, Puerto Rico, Virgin Islands
Office for Civil Rights, Region II
U.S. Department of Education
26 Federal Plaza, 33rd Floor
Room 33-130, 02-1010
New York, NY 10278-0082
(212) 264-4633; TDD (212) 264-9464

Region III
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Office for Civil Rights, Region III
U.S. Department of Education
3535 Market Street
Room 6300, 03-2010
Philadelphia, PA 19104-3326
(215) 596-6787; TDD (215) 596-6794

Region IV
Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee
Office for Civil Rights, Region IV
U.S. Department of Education
Post Office Box 2048, 04-3010
101 Marietta Tower-Suite 2000
Atlanta, GA 30301-2048
(404) 331-2954; TDD (404) 331-7236

Region V
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street
Room 700C, 05-4010
Chicago, IL 60605-1202
(312) 886-3456; TDD (312) 353-2540

Region VI
Arkansas, Louisiana, Mississippi, Oklahoma, Texas
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building
Suite 2260, 06-5010
Dallas, TX 75202-9998
(214) 767-3936, TDD (214) 767-3639

Region VII
Iowa, Kansas, Kentucky, Missouri, Nebraska
Office for Civil Rights, Region VII
U.S. Department of Education
10220 North Executive Hills Boulevard
8th Floor 07-6010
Kansas City, MO 64153-1367
(816) 891-8026; TDD (816) 374-6461

Region VIII
Arizona, Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, Wyoming
Office for Civil Rights, Region VIII
U.S. Department of Education
Federal Building, Suite 310, 08-7010
1244 Speer Boulevard
Denver, CO 80204-3582
(303) 844-5695; TDD (303) 844-3417

REGION IX
California
Office for Civil Rights, IX
U.S. Department of Education
Old Federal Building
50 United Nations Plaza-Room 239,09-8010
San Francisco, CA 94102-4102
(415) 556-7000, TDD (415) 556-6806

Region X
Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Trust Territory of the Pacific Islands
Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue
Room 3310, 10-9010
Seattle, WA 98174-1099
(206) 220-7880; TDD (206) 220-7907